

HOUSE BILL REPORT

HB 3023

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to charging volunteer fire fighters a fee for a Washington state patrol background check.

Brief Description: Determining Washington state patrol background check fees.

Sponsors: Representatives Haigh, Hinkle, McCoy, Nixon, Simpson, Ericks, McDermott, Green, Miloscia, Morrell, Wallace, Lantz and Kenney.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/2/06 [DP].

Brief Summary of Bill

- Makes background checks of volunteer firefighters exempt from Washington State Patrol fees, when submitted under the Child and Adult Abuse Information Act.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby, Strow and Williams.

Staff: Elisabeth Frost (786-5793) and Yvonne Walker (786-7841).

Background:

The Washington State Patrol (WSP) is authorized to disseminate criminal history record information for non-criminal justice purposes under two statues: the Criminal Records Privacy Act (CRPA) and the Child and Adult Abuse Information Act (CAAIA).

Under the CRPA, criminal history record information disseminated for non-criminal justice purposes includes:

- state criminal convictions; and
- state arrest records under one-year old without final disposition, without restriction.

Under the CAAIA, the WSP is authorized to conduct criminal background checks and fingerprinting on behalf of entities that hire persons for positions involving unsupervised

access to children and vulnerable adults. Information disseminated for non-criminal justice purposes under the CAAIA includes:

- state criminal convictions; and
- state arrest records under one-year old without final disposition, provided that the arrest was for a crime falling into the category of crimes against persons.

The WSP charges a fee for background checks requested for non-criminal justice purposes. These fees vary depending on whether the request is made through the WSP's website or on paper, and whether the request is only a name-and-date-of-birth conviction request, or also includes a fingerprint request.

The fees charged by the WSP are generally the same whether the background check is requested and conducted under the statutory authority of the CRPA or the CAAIA. Under the following circumstances requests made under the authority of the CAAIA are either exempted from fee requirements or subject to a reduced fee:

- non-profit organizations are charged no fee for records checks;
- school and educational service districts are charged no fee for name-and-date-of-birth checks; and
- school and educational service districts are charged only for the incremental costs associated with checking fingerprints in addition to name-and-date-of birth.

The WSP currently receives approximately 700 background check requests annually for fire department personnel (including both volunteer and paid fire fighters). Approximately 300 of these are name-and-date-of-birth requests received through the WSP website (subject to a \$10 fee), another 300 are paper requests (as of July 2006, subject to a \$35 fee), and about 100 are fingerprint requests received either electronically or on paper (both subject to a \$30 fee).

Summary of Bill:

Records checks of volunteer firefighters, authorized by and conducted under the CAAIA, shall not be subject to a fee charged by the WSP.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: There are many volunteer fire districts and this is a request from a chief of a volunteer fire district. Volunteer fire fighters are amazing people in the places and times they put themselves and they need all the support we can give them. On background check forms there is a check box for a check of a volunteer in a school district. If you are a volunteer in a

volunteer fire district the fee should be absorbed by the system and not charged to the volunteer fire fighter and the district.

Testimony Against: None.

Persons Testifying: Representative Haigh, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.